

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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EMPIRE ASSET MANAGEMENT COMPANY,

Petitioner,

-against-

21 **CIVIL** 4542 (PAC)

**JUDGMENT**

JOSEPH BEST,

Respondent.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion & Order dated June 28, 2021, Defendant's motion is granted. Under *Katz v. Cellco Partnership*, 794 F.3d 341 (2d Cir. 2015), a district court must stay judicial proceedings pending arbitration "after all claims have been referred to arbitration and a stay [is] requested." *Id.* at 345. Here, however, neither party requests a stay of the judicial proceedings; instead, Empire requests only a stay of the underlying arbitration proceedings. Accordingly, because neither party has requested a stay of the federal action, *Katz* is inapplicable and this case is DISMISSED with prejudice; accordingly, this case is closed.

**Dated:** New York, New York

June 29, 2021

**RUBY J. KRAJICK**

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Clerk of Court

BY:

*K. Margo*  
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Deputy Clerk